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Opening Statements in Jury Trials: What Are the Legal Limits? 71:701, No. 3, 1995. Michael J. Ahlen.

The Right to a Jury Trial in Equitable Cases. 69:559, No. 3, 1993. Edward E. Erickson.

Venue—Juries: Changing Venue to Obtain a Fair and Impartial Trial: Trial Court Discretion or Subjective Evaluation? Is This the End of Trials in Rural North Dakota Counties? 70:675, No. 3; 1994.

JURY INSTRUCTIONS

Instructing the Jury? Watch Your Language! 70:1007, No. 4; 1994. Honorable Gail Hagerty.

Why Not "Findings of Law" and "Conclusions of Fact" and Opinions About Both? 70:109, No. 1; 1994. Nevin Van de Streek.

JUVENILES

The Best Interest Team: Exploring the Concept of a Guardian ad Litem Team. 71:1021, No. 4; 1995. Tara Lea Muhlhauser and Douglas D. Knowlton.

The Existing Indian Family Exception to the Indian Child Welfare Act. 69:465, No. 3; 1993. Toni Hahn Davis.

Juvenile Law—Catch Me *with* a Can: North Dakota's Minor in Possession of Alcohol Statute Requires Proof of "Actual" Possession. 70:1059, No. 4; 1994.

Make New Parents But Keep the Old. 69:497, No. 3; 1993. Candace M. Zierdt.

The Role of the Child's Attorney in Protecting the Child Throughout the Litigation Process. 71:939, No. 4; 1995. Ann M. Haralambie.

LEGAL MALPRACTICE

North Dakota Legal Malpractice: A Summary of the Law. 70:615, No. 3; 1994. Alvin O. Boucher.

LIMITED LIABILITY COMPANY

The North Dakota Limited Liability Company Act: Formation and Tax Consequences. 70:67, No. 1; 1994. Garry A. Pearson.

Organization, Operation, and Termination of North Dakota and Minnesota Limited Liability Companies. 70:585, No. 3; 1994. Mary B. Bader.

MEDIATION

ADR: To Be or . . . ? 70:381, No. 2; 1994. Lynn A. Kerbeshian.

Alternative Dispute Resolution for the Poor: Is It an Alternative? 70:269, No. 2; 1994. Larry R. Spain.

Arbitration by the American Arbitration Association. 70:281, No. 2; 1994. James R. Deye and Lesly L. Britton.

Mediation in the Presence of Domestic Violence: Is It the Light at the End of the Tunnel or Is a Train on the Track? 70:255, No. 2; 1994. Tara Lea Muhlhauser and Douglas D. Knowlton.

The North Dakota Agricultural Mediation Service. 70:295, No. 2; 1994. L. Roger Johnson.

Which is the Fairest Court of All? The Case for a Private Court System. 70:353, No. 2; 1994. Michael G. Liffbrig.

MEMORIALS

J.F.X. Conmy. 69:733, No. 3; 1993.

Bill Daner. 69:733, No. 3; 1993.

Daniel G. Diemert. 69:734, No. 3; 1993.

A.E. Draeb. 69:734, No. 3; 1993.

Patricia Folkestad. 69:iii, No. 1; 1993.

Roy Ilvedson. 69:734, No. 3; 1993.

Jerry Vern McMartin. 69:735, No. 3; 1993.

Gary Miller. 69:735, No. 3; 1993.

Edward J. Murphy. 69:736, No. 3; 1993.

Floyd Sperry. 69:736, No. 3; 1993.

Max Wishek. 69:737, No. 3; 1993.

MENTAL HEALTH LAW

Mental Stress Claims in North Dakota: Evaluating the compensability of Mental Stress Claims Under North Dakota Worker's Compensation Law. 69:369; No. 2; 1993.

Negligence—Mental Health: Why is it My Fault When I'm the One Who's Dead? North Dakota Comparative Fault in a Suicide/Caregiver Context. 71:1105, No. 4; 1995.

NATURAL RESOURCES

Can North Dakota Grazing Survive a Wilderness or Wild and Scenic Designation—Are There Cattle in Nature? 70:509, No. 3; 1994. Agricultural Law/Economics Research Program.

Commentary: Federal Trust Responsibility and Conflicts of Interest—Environmental Protection or Natural Resource Development? 71: 365, No. 2; 1995. G. William Rice, Judith V. Royster, Robert Clinton, P.S. Deloria, N. Bruce Duthu and Richard Monette.

Commentary: Treating Tribes As States Under the Clean Water Act—The Good and the Bad. 71: 497, No. 2; 1995. Richard Monette, James M. Grijalva, P.S. Deloria, Judith V. Royster and Rebecca Tsosie.

The Downstream People: Treating Indian Tribes As States Under the Clean Water Act. 71: 473, No. 2; 1995. John S. Harbison.

Mineral Ownership Theory: Doctrine in Disarray. 70:541, No. 3; 1994. Ronald W. Polston.

Rights to Ground Water in North Dakota: Trends and Opportunities. 71:619, No. 3; 1995. Nancy Jean Strantz.

Tribal Governmental Regulation of Non-Indian Polluters of Reservation Waters. 71: 433, No. 2; 1995. James M. Grijalva.

OIL AND GAS

Mineral Ownership Theory: Doctrine in Disarray. 70:541, No. 3; 1994.

PARENT AND CHILD

Fetal Alcohol Syndrome: The Legal and Social Responses to Its Impact on Native Americans. 70:1, No. 1; 1994. Claire E. Dineen.

Withdrawing or Withholding Medical Care From Premature Infants: Who Should Decide, and How? 70:129, No. 1; 1994.

PHYSICIANS AND SURGEONS

Withdrawing or Withholding Medical Care From Premature Infants: Who Should Decide, and How? 70:129, No. 1; 1994.

POVERTY LAW

Alternative Dispute Resolution for the Poor: Is It an Alternative? 70:269, No. 2; 1994. Larry R. Spain.

PRESUMPTIONS

Civil Rights—Employment Discrimination: Modifying Federal Standards to Reflect Principles of State Law: The North Dakota Supreme Court's Examination of the *Hicks* Rationale Prompts the Court to Customize Its Own Standard to Review State-Based Employment Discrimination Claims. 70:207, No. 1; 1994.

PROFESSIONAL RESPONSIBILITY

A Smile, A Frown, and a Few New Wrinkles: The Changing Face of Practice Before the IRS. 70:965, No. 4; 1994. K. H. Sharp.

PROPERTY

Constitutional Issues in North Dakota Asset Forfeiture Law After *Austin v. United States*, *Alexander v. United States*, and *United States v. Good Real Property*. 70:851, No. 4; 1994. Rick Maxiner & Sidney Hertz Fiergola.

Are we Protecting the Past? Dispute Settlement and Historical Property Preservation Laws. 71:1031; No. 4; 1995.

Judgment Against a Non-Breaching Seller? The Cost of Outrunning the Law to Do Justice Under Section 2-608 of the Uniform Commercial Code: A Critical Re-Reading of *Troutman v. Pierce*. 70:809, No. 4; 1994. Gary L. Monserud.

Land Contracts Revisted. 69:515, No. 3; 1994. James E. Leahy.

Mineral Ownership Theory: Doctrine in Disarray. 70:541, No. 3; 1994. Ronald W. Polston.

Misappropriation is Seventy-Five Years Old; Should We Bury It or Revive It? 70:781, No. 4; 1994. Edmund J. Sease.

PUNITIVE DAMAGES

Punitive Damages and Insurance: Are Punitive Damages Insurable? The North Dakota Supreme Court Says Yes, Despite North Dakota's Public Policy to the Contrary. 70:637, No. 3; 1994.

RIGHT TO PRIVACY

Fetal Alcohol Syndrome: The Legal and Social Responses to Its Impact on Native Americans. 70:1, No. 1; 1994. Claire E. Dineen.

Withdrawing or Withholding Medical Care From Premature Infants: Who Should Decide, and How? 70:129, No. 1; 1994.

SALES

Judgment Against a Non-Breaching Seller? The Cost of Outrunning the Law to Do Justice Under Section 2-608 of the Uniform Commercial Code: A Critical Re-Reading of *Troutman v. Pierce*. 70:809, No. 4; 1994. Gary L. Monserud.

SOVEREIGN IMMUNITY

Federal Courts—Indians: Can Congress Constitutionally Abrogate States' Eleventh Amendment Sovereign Immunity from Suits Initiated by Indian Tribes? 71: 601, No. 2; 1995.

Sovereign Immunity: An Outdated Doctrine Faces Demise in a Changing Judicial Arena. 69:401, No. 2; 1993.

Sovereign Immunity—Judicial Abrogation of North Dakota's Sovereign Immunity Results in Possible Legislative Reassertion and Legislation to Provide Injured Parties With a Remedy for the Torts Committed by the State or its Agents. 71: 761, No. 3; 1995.

SPECIAL TOPICS

Introduction. 70:223, No. 2; 1994. Dan Quayle.

Introduction. 69:9, No. 1; 1993. Honorable William A. Hill.

Justice Harry A. Blackmun Recollections. 71, No. 1; 1995.

Open Letter. 70:227, No. 2; 1994. Honorable Bruce M. Van Sickle.

Opening Statement & Dedication. 69:1, No. 1; 1993. Honorable Myron H. Bright.

STATE COURTS

Misappropriation is Seventy-Five Years Old; Should We Bury It or Revive It? 70:781, No. 4; 1994. Edmund J. Sease.

North Dakota's New Contempt Law: Will It Mean Order in the Court? 70:1027, No. 4; 1994.

The Reach of the Federal Arbitration Act: Implications on State Procedural Law. 70:459, No. 2; 1994.

STATUTE OF LIMITATIONS

North Dakota Legal Malpractice: A Summary of the Law. 70:615, No. 3; 1994. Alvin O. Boucher.

TAXATION

Constitutional Law—Implications of the Due Process Clause and the Commerce Clause When Imposing State Use-Tax Collection on Out-of-State Sellers: Settled Expectations? 69:445, No. 2; 1993.

The North Dakota Limited Liability Company Act: Formation and Tax Consequences. 70:67, No. 1; 1994. Garry A. Pearson.

Organization, Operation, and Termination of North Dakota and Minnesota Limited Liability Companies. 70:585, No. 3; 1994. Mary B. Bader.

A Smile, A Frown, and a Few New Wrinkles: The Changing Face of Practice Before the IRS. 70:965, No. 4; 1994. K. H. Sharp.

TORTS

Damages—Intentional Infliction of Emotional Distress in the Workplace: Defining Extreme and Outrageous Conduct in North Dakota's Job Description. 70:187, No. 1; 1994.

Misappropriation is Seventy-Five Years Old; Should We Bury It or Revive It? 70:781, No. 4; 1994. Edmund J. Sease.

Negligence—Mental Health: Why is it My Fault When I'm the One Who's Dead?: North Dakota Comparative Fault in a Suicide Victim/Caregiver Context. 71:1105, No. 4; 1995.

North Dakota Choice of Law in Tort and Contract Actions: A Summary of Cases and a Critique. 71:721, No. 3; 1995.

North Dakota Legal Malpractice: A Summary of the Law. 70:615, No. 3; 1994. Alvin O. Boucher.

North Dakota's Stalking Law: Criminalizing the Crime Before the Crime. 70:159, No. 1; 1994.

Sovereign Immunity: An Outdated Doctrine Faces Demise in a Changing Judicial Arena. 69:401, No. 2; 1993.

Tilting at Wind Turbines: Noise Nuisance in the Neighborhood After *Rassier v. Houim*. 69:535, No. 3; 1993. David R. Bliss.

Worker's Compensation: The Assault on the Shield of Immunity—Coming to Blows with the Exclusive-Remedy Provision of the North Dakota Worker's Compensation Act. 70:905, No. 4; 1994. George H. Singer.

TRIAL ADVOCACY

Assessing Children's Credibility: Scientific and Legal Issues in 1994. 70:879, No. 4; 1994. Charles Robert Honts.

Instructing the Jury? Watch Your Language! 70:1007, No. 4; 1994. Honorable Gail Hagerty.

The Need for Closing Argument Guidelines in Jury Trials. 70:95, No. 1; 1994. Michael J. Ahlen.

Opening Statements in Jury Trials: What Are the Legal Limits? 71:701, No. 3; 1995. Michael J. Ahlen.

Why Not "Findings of Law" and "Conclusions of Fact" and Opinions About Both? 70:109, No. 1; 1994. Nevin Van de Streek.

UNIFORM COMMERCIAL CODE

Judgment Against a Non-Breaching Seller? The Cost of Outrunning the Law to Do Justice Under Section 2-608 of the Uniform Commercial Code: A Critical Re-Reading of *Troutman v. Pierce*. 70:809, No. 4; 1994. Gary L. Monserud.

VENUE

Venue—Juries: Changing Venue to Obtain a Fair and Impartial Trial: Trial Court Discretion or Subjective Evaluation? Is This the End of Trials in Rural North Dakota Counties? 70:675, No. 3; 1994.

VIEWPOINT

The Best Interest Team: Exploring the Concept of a Guardian ad Litem Team. 71:1021, No. 4; 1995. Tara Lea Muhlhauser and Douglas D. Knowlton.

The Need for Closing Argument Guidelines in Jury Trials. 70:95, No. 1; 1994. Michael J. Ahlen.

Opening Statements in Jury Trials: What Are the Legal Limits? 71:701, No. 3; 1995. Michael J. Ahlen.

Probable Cause For Nighttime, No-Knock Drug Searches: The Illusion of Judicial Control in North Dakota. 69:613, No. 3, 1993. Thomas M. Lockney.

WATER & WATER COURSES

Commentary: Treating Tribes As States Under the Clean Water Act—The Good and the Bad. 71: 497, No. 2; 1995. Richard Monette, James M. Grijalva, P.S. Deloria, Judith V. Royster and Rebecca Tsosie.

Commerce to Conservation: The Call for a National Water Policy and the Evolution of Federal Jurisdiction Over Wetlands. 69:873, No. 4; 1993. Sam Kalen.

The Downstream People: Treating Indian Tribes As States Under the Clean Water Act. 71:473, No. 2; 1995. John S. Harbison.

Rights To Ground Water In North Dakota: Trends and Opportunities. 71:619, No. 3; 1995. Nancy Jean Strantz.

Tribal Governmental Regulation of Non-Indian Polluters of Reservation Waters. 71:433, No. 2; 1995. James M. Grijalva.

WILDLIFE

Can North Dakota Grazing Survive a Wilderness or Wild and Scenic Designation—Are There Cattle in Nature? 70:509, No. 3; 1994. Agricultural Law/Economics Research Program.

WITNESSES

Assessing Children's Credibility: Scientific and Legal Issues in 1994. 70:879, No. 4; 1994. Charles Robert Honts.

Wandering in the Wilderness of Dispute Resolution: When Do We Arrive at the Promised Land of Justice? 70:235, No. 2; 1994. Honorable Bruce E. Bohlman and Erick J. Bohlman.

WORKERS' COMPENSATION

Constitutional Law—Workers Compensation: Equal Protection Challenge to the Agriculture Exemption and Use of Rational Basis Scrutiny in *Haney v. North Dakota Workers Compensation Bureau*. 71:781, No. 3; 1995.

Mental Stress Claims in North Dakota: Evaluating the compensability of Mental Stress Claims Under North Dakota Worker's Compensation Law. 69:369; No. 2; 1993.

Worker's Compensation: The Assault on the Shield of Immunity—Coming to Blows with the Exclusive-Remedy Provision of the North Dakota Worker's Compensation Act. 70:905, No. 4; 1994. George H. Singer.

